Canadian Council for Refugees | Conseil canadien pour les réfugiés

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Bill C-12: Strengthening Canada's Immigration System and Borders Act

Submission to the Standing Senate Committee on Social Affairs, Science and Technology (SOCI)

Overview

The Canadian Council for Refugees (CCR) is a leading voice for the rights, protection, sponsorship, settlement, and well-being of refugees and migrants in Canada and globally. The CCR is driven by over 200 member organizations working with, from, and for these communities from coast to coast to coast.

CCR appreciates the opportunity to share our perspectives and concerns about Bill C-12, which proposes a fundamental weakening of refugee protections in Canada. The bill lacked meaningful consultation with refugee and human rights organizations and was fast-tracked through the House of Commons. Experts were not given the opportunity to speak to the negative impacts of the legislation on refugees and migrants and how the changes will undermine respect for Charter-protected rights and Canada's international legal obligations. **The Senate can play a crucial role in addressing these concerns and we urge careful review of the bill's provisions.**

Key concerns with Bill C-12:

1. Bill C-12 introduces **two new ineligibility provisions** that deprive people seeking safety of a full refugee claim process before the Immigration and Refugee Board (IRB), a globally recognized and independent quasi-judicial tribunal. Under Bill C-12, individuals are ineligible if they make a refugee claim more than a year after arriving in Canada, or 14 days or more after entering at the land border between Ports of Entry. How or when a person arrived has no bearing on their need for protection. The provisions will particularly endanger survivors of gender-based violence, LGBTQIA+ individuals, unaccompanied minors, individuals with mental health issues, and people whose countries are facing political unrest. These provisions may result in Canada returning people to countries where they face danger and persecution.

2. Individuals who are no longer able to make a refugee claim under these ineligibility provisions may instead be offered a Pre-Removal Risk Assessment (PRRA) to ensure that they are not sent back to danger. However, **this PRRA process is wholly inadequate**. It does not guarantee access to an oral hearing as required by the Charter following the 1985 Supreme Court Singh

decision and does not offer the procedural protections granted at the IRB, including the right of appeal. PRRA decision-makers (IRCC officials) do not have the independence, nor the expertise to assess the merits of a claim. Consequently, the Federal Court will likely face additional backlogs due to increased litigation to contest PRRA refusals. When a PRRA refusal is challenged at the Federal Court, there is no automatic stay of removal while the refusal is under review, putting an individual at risk of removal to where they would face persecution.

3. Many newly ineligible people will be stuck in a **legal limbo** because they come from **moratorium countries**—countries to which Canada has suspended removals given generalized insecurity, such as Haiti, Afghanistan and Venezuela. Since PRRA is only triggered when Canada is ready to remove an individual, they will have no way to have their refugee claim heard and will remain without status in Canada. This will put thousands of people in a precarious position, separated from family and with limited rights or ability to contribute to Canadian society.

4. Bill C-12 gives the government sweeping new powers to **cancel, suspend or change a whole range of immigration documents**, as well as **suspend the right to make new applications** in a specific category and **suspend and terminate processing of applications already submitted** if deemed in the "public interest." These documents and applications include permanent or temporary resident visas, work or study permits, travel authorizations, etc. These provisions are very broad and do not contain any safeguards, which could lead to unfair treatment and discrimination against certain groups. It will also lead to more people living without status or in extremely precarious conditions, negatively impacting their right to access employment, education and social services with damaging effects on their well-being and safety.

5. Bill C-12 enables the **disclosure of personal information** within and outside the immigration department, such as with other federal, provincial and foreign entities. This bill weakens protections of newcomers' data by sharing personal information relating to their identity, status or immigration documents. This could negatively impact the safety of migrants and refugees in Canada or their country of origin if they are forced to return.

6. Bill C-12 introduces new provisions that will result in claims being declared **abandoned** before referral to the IRB. If a claimant does not provide required information and documents in a timely manner, or fails to appear for an interview, the claim "must" be sent to the IRB to decide whether to declare it abandoned. This fails to consider that people face communications and technological barriers, may need a few more days to provide documents, or face exceptional circumstances such as missing an interview due to illness. The automatic nature of the provision will generate a new backlog of abandonment hearings at the IRB. The provisions particularly impact those with mental or physical health issues and unaccompanied minors. People will likely be returned to face persecution because once a claim is declared abandoned, the person cannot make another refugee claim and is barred from the PRRA for 12 months.

Recommendation: CCR believes strongly that Bill C-12 is so dangerous that it should be withdrawn in its current form. Failing that, the Senate should seek urgent and significant amendments to minimize the harms and ensure the legislation's compliance with Canada's human rights obligations. CCR's recommendations for amendments are outlined below.

CCR's detailed analysis and recommendations

1. New Ineligibility Provisions (Part 8)

Bill C-12 introduces two new provisions that would make some individuals ineligible to make a claim.

A. One year bar

Bill C-12 introduces a new one-year bar for refugee claims. If a person does not make a claim within one year of arriving in Canada, the claim is ineligible. This provision applies to individuals who arrived in Canada on or after June 24, 2020. If approved, it will apply retroactively to claims made after June 3, 2025, the date on which Bill C-2, the Strong Borders Act—the first iteration of Bill C-12—was introduced.

B. Restrictions on Arrivals from the U.S. Between Ports of Entry

Bill C-12 would add provisions that would make a person entering Canada from the United States between Ports of Entry ineligible to seek refugee protection if they make their claim 14 days or more after arriving. (Those who apply within 14 days already face ineligibility under the Safe Third Country Agreement.) The right to asylum should not be constrained by the manner of arrival, especially in a global context where restrictive immigration policies force people to resort to irregular migration.

Major concerns:

- Individuals who are unable to make a refugee claim under these ineligibility provisions may be offered a Pre-Removal Risk Assessment (PRRA) to ensure that they are not sent back to danger. However, the PRRA is wholly inadequate as it lacks a guaranteed oral hearing, does not offer procedural protections granted at the Immigration and Refugee Board, including the right of appeal, and PRRA decision-makers (IRCC officials) do not have the independence nor the expertise of the IRB to assess the merits of a claim.

- Research shows that sending claims to the PRRA process is inefficient because these cases are more likely to later face judicial review at the already overloaded Federal Court than cases that receive full IRB review.[1] The government should better resource the IRB to assess claims instead of introducing harsh legislation that weakens the rights of those seeking protection in Canada.

- The right under the Charter to an oral hearing was recognized by the Supreme Court in 1985 in the Singh decision, which led to the establishment of the IRB as an independent quasi-judicial

[1] Wallace, Simon, Getting it Right the First Time: Exploring the False Economy of Bill C-12's Refugee Process Shortcuts (October 17, 2025). Available at SSRN: https://ssrn.com/abstract=5620250

tribunal. Bill C-12 violates this right and undermines Canada's world-renowned refugee determination system.

- Since PRRA is only triggered when Canada is ready to remove an individual, people from countries where Canada has a moratorium on deportations, such as Haiti, Afghanistan or Venezuela, would not even have this option under the bill. This will leave thousands stuck in a legal limbo with no way to make a claim or have status in Canada.

- The one-year bar is a feature of the U.S. refugee determination system, where the one-year timeline starts at the most recent entry into the United States. The Canadian proposal is significantly worse as it applies to an individual's first entry into Canada since June 2020. The 1951 Refugee Convention places no time limits on when someone can make a refugee claim.

- The one-year bar fails to acknowledge that situations change. A person might not have fears of persecution when they first arrive in Canada but may later face significant risk if they were to return to their country of origin due to a change in government or significant political unrest in their home country. For example, a baby visiting Canada with her parents in 2020 would be ineligible to seek protection when she returns twenty years later due to persecution in her country due to her activism as a human rights defender.

- The one-year bar in Bill C-12 would negatively impact marginalized groups such as LGBTQIA+ individuals and survivors of gender-based violence. LGBTQIA+ individuals may not disclose their identity for many years due to stigma and fear of reprisal. Survivors of gender-based violence are forced to process their trauma while navigating complex legal processes. These groups may not be able to gather all the information or be ready to make a refugee claim within a year and may not be aware they can even make a claim based on gender or LGBTQIA+ grounds.

Recommendations

1. **Delete the one-year bar ineligibility provision.**

   Delete: 73 (1) Subsection 101(1) of the Immigration and Refugee Protection Act is amended by adding the following after paragraph (b):

   (b.1) the claimant entered Canada after June 24, 2020 and made the claim more than one year after the day of their entry;

2. **Delete the ineligibility provision based on entry from the United States.**

   Delete: 73 (1) Subsection 101(1) of the Immigration and Refugee Protection Act is amended by adding the following after paragraph (b):

   (b.2) the claimant entered Canada at a location along the Canada–United States land border — including the waters along or across that border — that is not a port of entry and made the claim

after the end of the time limit referred to in subsection 159.4(1.1) of the Immigration and Refugee Protection Regulations;

If deleting the two provisions above are not feasible, CCR urges for Bill C-12 to be amended to change the timeframe of the one-year bar and provide exemptions for minors and other vulnerable groups who would be negatively affected by the proposed changes, notably those fleeing persecution on the basis of gender-based violence, sexual orientation or gender identity, and nationals of moratorium countries.

3. **Restrict the application of the one-year bar to the most recent arrival (instead of the first arrival since June 24, 2020).**

   Amend 73 (1) as follows:

   Paragraph (1)(b.1) — multiple entries

   For the purposes of paragraph (1)(b.1), if the claimant has entered Canada more than once after June 24, 2020, the one-year period referred to in that paragraph begins on the day after the day of their ~~first~~ latest entry.

4. **Restrict the application of the one-year bar to arrivals after the coming into force of the new provision (instead of arrival since June 24, 2020).**

   Amend 73 (1) as follows:

   (b.1) the claimant entered Canada after ~~June 24, 2020~~ the coming into force of this legislation and made the claim more than one year after the day of their entry;

5. **Provide for exemptions from the one-year bar in the case of change in country conditions (just as the legislation currently provides such exemptions from the one-year bar from access to PRRA for refused claimants – IRPA 112 (2.1)).**

   Amend 73 (2) by adding a paragraph:

   (1.11) The Minister may exempt from the application of paragraph (1)(b.1),

   (a) the nationals — or, in the case of persons who do not have a country of nationality, the former habitual residents — of a country;

   (b) the nationals or former habitual residents of a country who, before they left the country, lived in a given part of that country; and

   (c) a class of nationals or former habitual residents of a country.

   (1.12) The regulations may govern any matter relating to the application of subsection (1.11) and may include provisions establishing the criteria to be considered when an exemption is made.

6. **Exempt from the one-year bar or ineligibility based on entry from the United States anyone who at the date of entry was a minor (on the grounds that minors should not be held responsible for action or inaction). This exemption will be easy to implement as it is simple to assess the age at the date of entry.**

   Amend 73 (1) to add:

   A claim is not ineligible under paragraph (b.1) or (b.2) if the claimant was under 18 years of age on the day of their entry.

7. **Provide for other exemptions through regulations from the one-year bar or ineligibility based on entry from the United States based on factors of vulnerability, such as victims of gender-based violence or those fleeing persecution based on SOGIESC factors, or lack of access in a timely way to a determination of their protection needs for nationals of moratoria countries.**

   Amend 73 to add subsection (3) to IRPA 101:

   A claim is not ineligible under paragraph (b.1) or (b.2) under prescribed circumstances.

   And to add a subsection 102 (1.1)

   The regulations may prescribe circumstances under which a claim is not ineligible despite paragraph (b.1) or (b.2).

8. **Delete retroactive application of the new ineligibility provisions (in other words the new provisions should only apply to claims made after the law comes into force, not from the date at which Bill C-2 was tabled).**

   Delete section 75.

9. **Make the "hearing" mandatory for all PRRA applicants who have not had a hearing at the Refugee Protection Division.**

   Amend IRPA 113.01 so that hearings are mandatory for those directed to the PRRA process due to new ineligibilities under Bill C-12:

   Unless the application is allowed without a hearing, a hearing must, despite paragraph 113(b), be held in the case of an applicant for protection whose claim for refugee protection has been determined to be ineligible solely under paragraph 101(1)(c.1), (b.1) or (b.2).

10. **Provide a statutory stay of removal for individuals who are applying for judicial review of a negative PRRA, having been denied access to the Refugee Protection Division and thus to the Refugee Appeal Division because their claim was found ineligible.**

    Amend IRPA to add (50)f:

50 A removal order is stayed

[…]

(d) for the duration of a stay under paragraph 114(1)(b); ~~and~~

(e) for the duration of a stay imposed by the Minister; and

(f) in the case of an individual found ineligible under paragraph 101(1)(b.1) or (b2) who receives a negative pre-removal risk assessment determination:

(i) for 15 days where no application was made to the Federal Court for leave to commence an application for judicial review concerning the decision referred to in (f); or

(ii) until the Federal Court refuses their application for leave to commence an application for judicial review, or denies their application for judicial review, in respect of the decision described in (f).

(3) Despite subsection (1), a removal order made with respect to an applicant for a Pre-Removal Risk Assessment is conditional and comes into force on the latest of the following dates:

(a) 15 days after notification that the application is rejected, unless an application for judicial review is submitted;

(b) the day of the final determination of any judicial review application.

2. Changes to the In-Canada Asylum System (Part 6)

A. Making the refugee claim

Bill C-12 will amend the Immigration and Refugee Protection Act (IRPA) to create a new stage in the process between a refugee claim being determined eligible and the claim being referred to the IRB. After the claim is determined to be eligible, "the Minister must consider it further within the prescribed time limit" (section 43 (1)). Claimants must provide information and documents (section 43 (5)). Before it is referred, the person must provide all the information required, and the Minister must have had the opportunity to consider the documents and information submitted (section 44).

Major concerns:

- Unless the 'prescribed time limit' is very short, we can expect to see a new backlog emerging and long delays for some claimants while they wait for their claim to be referred.

- The new provisions also confuse the roles of different agencies and risk creating delays by giving the Minister the power to demand documents that are currently only required after referral to the

IRB. This undermines the role of the IRB as the tribunal responsible for deciding what evidence is necessary to determine the claim.

- While waiting in this new stage for a referral, the person will not be able to serve as an anchor relative for family members seeking to enter Canada from the United States under the terms of the Safe Third Country Agreement, undermining the principle of family unity upheld in the STCA, and compromising protection and refugee well-being and integration.[2]

B. New abandonment provision pre-referral

Bill C-12 introduces a provision allowing a claim to be declared abandoned before it has been referred to the IRB. Under this provision, if a claimant does not provide the required information and documents, or fails to appear for an interview, the claim must be sent to the IRB to decide whether to declare it abandoned (section 45). Currently, a claim can only be declared abandoned after it has been referred to the IRB. The government has not shown that there is currently a problem that needs fixing: the IRB has an effective and functioning system through which claims that have been abandoned can be dealt with.

Major concerns:

- The new abandonment provisions are likely to lead to claims being declared abandoned because someone did not receive or understand communications or could not navigate the portal, due to linguistic or technical barriers. Those most at risk of having their claims abandoned are likely to face significant barriers, such as those with mental or physical health issues, unaccompanied minors, claimants who must take care of their children as well as manage their claim, and those who are living in an unsafe situation within Canada.

- A person whose claim has been declared abandoned has no right to ever make a refugee claim again in Canada. The stakes are thus extremely high.

- The consequences of having a refugee claim declared abandoned include a 12-month bar on a Pre-Removal Risk Assessment, meaning that people may be deported without any assessment of whether they face danger in their home country.

- The proposed amendment states that the claim must be referred to the RPD for abandonment proceedings if the person does not submit all the information or fails to show for an interview which is neither fair nor efficient. It gives no flexibility to IRCC and the CBSA to take individual circumstances into account.

- This provision will lead to the IRB being forced to hold numerous abandonment hearings with claimants who are attempting to comply with the system but struggling due to lack of supports. In addition, we can expect an increase in re-opening requests that the IRB will need to review.

[2] To be an anchor relative as a claimant, a person must have a claim for refugee protection that has been referred to the IRB for determination – Immigration and Refugee Protection Regulations, paragraph 159.5(c)).

Due process would be better served by leaving the authority to initiate an abandonment hearing to the IRB rather than legislating automatic abandonment hearings pre-referral.

Recommendations:

11. **Remove the mandatory nature of the referral for abandonment provisions prior to eligibility determination.**

    Amend section 45 as follows:

    Abandonment and withdrawal of claims

    102.1(1) If a person who makes a claim for refugee protection inside Canada that has not been referred to the Refugee Protection Division and that has not been determined to be ineligible for referral fails to provide documents or information in accordance with subsection 100(4) or fails to appear for an examination when requested to do so, the Minister ~~must~~ **may** transmit the claim to the Division to determine whether, as a result of the failure, the claim has been abandoned.

3. Provisions on Immigration Documents & Applications (Part 7)

Bill C-12 gives the government new powers to cancel, suspend or change a range of immigration documents (e.g. permanent or temporary resident visas, work or study permits) if deemed in the "public interest." The bill also allows the government to suspend the right to make new applications in a specific category and suspend and terminate processing of applications already submitted.

A. Mass cancellation of immigration documents

- Bill C-12 gives the government, if it is in the "public interest to do so," the ability to cancel or modify, by Order in Council, whole groups of people's documents. The government could also suspend the documents, impose or modify conditions on these documents, and impose or vary conditions on certain temporary residents.

B. Suspension and cancellation of applications

- Bill C-12 gives the government the ability to stop accepting applications and to suspend or terminate the processing of existing applications, including permanent resident visas, temporary resident visas and work or study permits, during a certain period if it is in the "public interest."

Major concerns:

- These provisions, including the notion of "public interest," are very broad and give overreaching powers to the government to discriminate against certain groups.

- The sudden cancellation, suspension or modification of immigration documents could lead to more people living without status and/or in extremely precarious conditions, putting them at risk of violence and denying access to social services.

Recommendations:

12. **Delete the provisions allowing for the cancellation, suspension or change of immigration documents, as well as suspending the right to make new applications and suspending or terminating processing of applications in the "public interest."**

    Delete section 72.

4. Information-Sharing Provisions (Part 5)

A. Disclosure of personal information within and outside the department

Bill C-12 expands the ability of the government to share personal information of an individual within and outside the immigration department, such as with other federal and provincial departments, agencies and crown corporations. This information relates to the identity of an individual and any changes to their identity; their status in Canada and any changes to their status; and the status of any document issued to an individual. Bill C-12 enables data to be subsequently shared by provincial governments with foreign entities, offering inadequate measures to limit the possible negative consequences.

Major concerns:

- These broad powers could lead to negative implications on people's social safety nets. A change in status disclosed to a provincial agency may lead to the loss of social security benefits, including while they are still in Canada awaiting removal, resulting in them having no other means of support.

- Authorizing the disclosure of personal information to foreign entities such as about an individual's sexual orientation or gender identity, can expose people to persecution if they are forced to return to their country of origin. The legislation's safeguards on information-sharing are inadequate as there is no way to track how information under the control of federal or provincial government entities may be shared with foreign entities.

Recommendations:

13. **Delete the provisions allowing the sharing of information within the immigration department, with other federal and provincial government entities, and with foreign entities.**

    Delete sections 28 and 29.